

A LESSON FROM CHINA ON GIG WORKERS' RIGHTS

Relevant for: Indian Economy | Topic: Issues Related to Poverty, Inclusion, Employment & Sustainable Development

On September 20, 2021, the Indian Federation of App-based Transport Workers, on behalf of gig workers, filed a public interest litigation in the Supreme Court demanding that the Union government provide succour to workers affected by the pandemic. The petition has asked for 'gig workers' and 'platform workers' to be declared as 'unorganised workers' so they come under the purview of the Unorganised Workers Social Security Act, 2008. In short, the petition demands social security benefits from food delivery platforms such as Zomato and Swiggy and taxi aggregator apps such as Ola and Uber.

That same week, China strode ahead in this regard. Owing to public pressure, two of its food delivery platforms, Meituan and Ele.me, committed to end the practice of forcing workers to register as 'independent businesses', which has long helped these platforms evade responsibilities as employers. Both platforms run a duopoly in the sector, capturing over 90% of the market share, and employ millions of gig workers. In a notice to labour aggregator partners, Meituan said it prohibited signing on delivery workers "through deceptive or coercive means".

Gig work and its skewed terms

The one major factor that the pandemic has helped change is the erstwhile 'invisibility' of delivery workers. Through 2020, a trend that spanned China, India, the U.S. and Europe saw 'invisible workers' being propelled to 'frontline workers'. In China, this was especially the case in Wuhan, the pandemic's epicentre, where there was a clear transition of social discourse in favour of delivery workers. *People's Daily*, the largest state-affiliated daily in China, responded to public sentiment by ranking delivery work among the top 10 occupations.

The media aided this transformation. In the fall of 2020, *Renwu*, a monthly Chinese magazine, took an exhaustive look at the plight of delivery workers across the two food delivery platforms. Titled 'Delivery Riders, Trapped in the System', the article was shared over 200 million times on the Chinese internet indicating how deeply Chinese social media users connected with the issue. One indicator of how seriously an issue is taken by the public is its virality on the Chinese web. In 2015, for instance, a TED-style talk on China's pollution crisis got 100 million views across major video streaming sites within 48 hours of its release, resulting in policy change.

The *Renwu* piece highlighted how delivery workers were trapped in a "sophisticated labour control system" that they had unwittingly downloaded onto their phones. Simply put, the algorithm that is put in place by platforms is designed to create animosity between app users and workers, where the platform inherently shifts the pressure of receiving orders and maintaining smooth flow of deliveries onto the workers.

A secure future for platform workers

But it is important to note that the pushback against influential platforms had begun long before COVID-19. Over the years, strikes in different parts of China have reflected this growing backlash. As food delivery platforms expanded through the pandemic period, growing massively in revenue and scale, strikes increased in numerous Chinese cities and have continued despite various barriers to collective action. In early 2021, in successive strikes spanning over two months, delivery workers protested against poor working conditions. In cities such as Shenzhen, Tongxiang and Linyi, delivery workers protested against new company policies that slashed their

pay per delivery. A protest in Taizhou saw a delivery worker set himself on fire demanding unpaid wages.

In 2018, an Associate Professor of Sociology at Harvard University, Ya-Wen Lei, documented strikes in Chongqing, a municipality in southwest China. She found that workers had mobilised through social media and offline meetings. They united to protest against “decreasing piece rates” and “unilateral change of contract terms or platform rules”. At the time of her fieldwork, the Chinese state had not intervened in the market to restrain the monopoly powers of platforms or initiate antitrust investigations. This provided platforms with unrestricted powers to exercise technological control.

Poor wages, punishing hours, and lack of labour rights make food delivery a thankless gig

But the pandemic was curious in this regard. It began with the Chinese state indicating that platforms should help soak up the devastating effects of the pandemic on the workforce. And it ended with the state asserting “increased control” over major tech companies, including Meituan for allegedly abusing its dominant market position, via the new anti-monopolistic guidelines.

In China, where the government is now focused on “common prosperity”, which seeks to narrow a widening wealth gap that threatens the country’s economic rise, the government’s scrutiny over food delivery platforms has increased. The authoritarian context, a weak civil society and the absence of independent labour unions leaves gig workers in China with very little option but to go on strike or protest, despite the risks, to affect change. In April, Caixin reported that a government official disguised himself as a Meituan driver and worked a 12-hour shift barely making RMB 41 (\$6.32) for a day’s work. He was featured in a television programme in Beijing and stated that the experience left him feeling humiliated. In July, seven government agencies jointly passed guidelines directing online food delivery platforms that they should not set evaluation criteria based on optimisation algorithms, must respect the rights of delivery workers and ensure that they earn at least a minimum wage with social insurance. Many of these government initiatives have been public-driven. It was in the government’s interest to intervene when it realised that there was growing discontent not only among the delivery workers but also the public about their plight.

The situation is vastly different in India. Any reform in this sector is led wholly by delivery workers, not the public. For 27 days in 2020, close to 3,000 delivery workers from Swiggy went on strike in Hyderabad to protest the slash in remuneration from 35 to 15 per order. The strikes disbanded only after the Joint Commissioner of the Labour Department called a hearing with the platform’s operations manager and the workers’ union. It was the first time in India that such a negotiation was taking place, that too on the street. This year, in the lead up to Zomato’s July IPO, several anonymous Twitter accounts set up by delivery workers called customers’ attention to what they deem as “exploitative practices” employed by platforms. The PIL in the Supreme Court is another major step in this regard.

Implementing social security code a priority, says Minister

The biggest lesson from China is the swell of public opinion that has partly led to government regulation and change in company policy. In the U.S., a gig workers collective has urged customers to delete the Instacart app as a show of solidarity until demands for better working conditions are met. Indians could make an effort to be better informed about the way platforms work by seeking out delivery workers and asking about their work conditions and the pressures they face. We will then be aware of the price that a person, who we only see as a miniature bike on our apps, pays for our convenience.

Sowmiya Ashok, an independent journalist based in Chennai, was part of the 2020-21 China-India Visiting Scholars Fellowship at Ashoka University

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The plight of Indian women migrant workers in West Asia highlights the lack of gender-centric, rights-based safeguards

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